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Strasbourg, 26 November 2021

**Information from the Council of Europe Secretariat to the Office of the United Nations High Commissioner for Human Rights in connection with the work being carried out under the United Nations General Assembly Resolution 73/304** **“Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards”**

1. This information is submitted following the letter of 1 November 2021 of the Office of the United Nations High Commissioner for Human Rights (OCHCR) acting as Secretariat of the Group of governmental experts established under the above-quoted Resolution. The letter invites, in view of the preparation of a report of the Group of experts, the transmission of information on (i) the feasibility of common international standards; (ii) the scope of goods to be included; and (iii) draft parameters for a range of options to establish common international standards on the matter.

2. The Council of Europe Secretariat would like to bring to the attention of OCHCR the ***Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment*** (hereinafter Recommendation CM/Rec(2021)2), which was adopted unanimously by the Committee of Ministers on 31 March 2021 at the 1400th meeting of the Ministers' Deputies.

3. Recommendation CM/Rec(2021)2) represents the standards agreed by the 47 member States of the Council of Europe on the subject-matter. It was adopted having regard, *inter alia*, to the United Nations General Assembly Resolutions A/RES/74/143 “Torture and other cruel, inhuman or degrading treatment or punishment”, and A/RES/73/304 “Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards” as well as the subsequent report of the United Nations Secretary-General A/74/969. Also, Recommendation CM/REC(2021)2 promotes action by Council of Europe member States in other international organisations and fora against trade in goods used for the death penalty, torture or other cruel, inhuman or degrading treatment or punishment with particular attention being given to the United Nations’ processes aimed at exploring the feasibility and scope of a range of options to establish common international standards in this area, notably a legally binding instrument. In addition, civil society actors participated in the preparation of Recommendation CM/Rec(2021)2.

4. By way of introduction we would like to highlight some of the key elements of Recommendation CM/Rec(2021)2 while underlining that its full text is available at this address <https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a1f4e5> and the text of its explanatory memorandum is available at this address https://search.coe.int/cm/Pages/result\_details.aspx?ObjectID=0900001680a1f6c4 .

5. Recommendation CM/Rec(2021)2 includes a non-exhaustive list of goods and equipment which has no practical use other than the infliction of the death penalty, torture and other cruel, inhuman or degrading treatment or punishment. Council of Europe member States should prevent and prohibit the import, export or transit, from, to or through their jurisdictions, of such goods and equipment. They should also prohibit the brokering and advertising of as well as the provision of technical support and assistance regarding any of the prohibited goods and equipment.

6. A regulation and licensing regime is recommended in relation to the export and transit of certain pharmaceutical chemicals, a list of which is annexed to Recommendation CM/Rec(2021)2, in order to ensure that they are not transferred for the use in lethal injection executions in States still applying the death penalty. Other measures concern the putting in place of a license and transit-control regime for the export of law-enforcement goods and equipment that can have a legitimate function when used in a manner consistent with international and regional human rights standards and other relevant standards on the use of force, but which may be misused by law enforcement and other officials to inflict torture and other inhuman or degrading treatment or punishment. A non-exhaustive list of such controlled goods and equipment is annexed to Recommendation CM/Rec(2021)2.

7. Moreover, Recommendation CM/Rec(2021)2 encourages Council of Europe member States to support non-member States to implement the measures set out therein and other relevant international standards regulating the trade in law-enforcement goods and equipment in order to prevent their use for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment, notably through developing partnerships or offering other forms of support in implementing these standards.

8. The Council of Europe Secretariat invites the OCHCR to bring Recommendation CM/Rec(2021)2 to the attention of the Group of governmental experts and to make references to it when deemed necessary and appropriate. We stand ready to respond to further inquiries on the subject matter.